

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 3246—Fairness for Small Business and Employees Act**

**H.R. 3310—Small Business Paperwork Reduction Act Amendments**

**H.R. 2515—Forest Recovery and Protection Act**

**H.R. 1757—Foreign Affairs Reform and Restructuring Act (Conference Report)**



**H.R. 3246—Fairness for Small Business and Employees Act**

**Floor Situation:** The House will consider H.R. 3246 as its first order of business today. Yesterday, the Rules Committee granted a structured rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. The rule makes in order only one amendment by Mr. Goodling described below. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

**Summary:** H.R. 3246 addresses four specific problems with the National Labor Relations Act (NLRA).

- \* *Truth in Employment:* The bill amends the National Labor Relations Act to make it clear that an employer does not have to hire someone who is not a “bona fide” applicant (someone whose primary purpose is to be a loyal, hard-working employee). This section addresses the practice of “salting” where professional agents and union employees seek employment in non-union workplaces for the primary purpose of disrupting the workplace and furthering the union’s agenda.
- \* *Fair Hearing:* The bill requires the National Labor Relations Board (NLRB) to conduct hearings to determine the appropriateness of bargaining units in cases where a labor organization attempts to organize employees at one or more facilities of a

multi-facility employer and where there is no agreement as to the appropriate bargaining unit. Thus, the bill ensures that NLRB conducts hearings and analyzes whether a single location bargaining unit is appropriate, given all the relevant facts and circumstances of a particular case by letting an employer present its side of the case in disputes concerning single location bargaining units.

- \* *Justice on Time:* The bill requires the NLRB to issue a final decision within one year on all unfair labor practice complaints where it is alleged that an employer has discharged an employee in an attempt to encourage or discourage union membership. It ensures that employees who are entitled to reinstatement will quickly get their jobs back and employers will not be saddled with liability for large backpay awards.
- \* *Attorney Fees:* The bill amends the National Labor Relations Act to require the NLRB to pay attorney's fees and costs of parties who prevail against the board in both administrative and court proceedings. It also makes clear that fees and costs will be awarded to the winning entity under the Equal Access to Justice Act. The bill applies to employers with fewer than 100 employees and a net worth of less than \$1.4 million. CBO estimates that enactment will result in additional spending by the National Labor Relations Board (NLRB) of approximately \$1 million in FY 1999 and \$5 million over the 1999-2003 period. The bill was introduced by Messrs. Goodling, Fawell, and Talent, and was reported by the Education & the Workforce Committee by a vote of 23-18.

**Views:** The Republican leadership supports passage of the bill. The Clinton Administration has threatened to veto it.

**Amendments:** The rule makes in order the following amendment to H.R. 3246:

**Mr. Goodling** will offer an amendment, debatable for 20 minutes, to clarify that under Title I of the bill a "bona fide" applicant is protected and may enjoy every right provided by the National Labor Relations Act, including the right to self-organize, to form or join labor organizations, and to bargain collectively through chosen representation. *Staff Contact: Peter Gunas, x5-4527*

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #7, March 20, 1998.



## **H.R. 3310—Small Business Paperwork Reduction Act Amendments**

**Floor Situation:** The House will consider H.R. 3310 after it completes consideration of H.R. 3246. Yesterday, the Rules Committee granted an open rule granting one hour of general debate equally divided between the chairman and ranking member of the Government Reform & Oversight Committee. The rule accords priority in recognition to members whose amendments have been pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 3310 amends the 1995 Paperwork Reduction Act (*P.L. 104-13*) to continue congressional efforts to streamline the paperwork burden on small businesses. Specifically, the bill (1) requires the Office of Management and Budget to publish an annual list of all the federal paperwork requirements on small businesses; (2) allows small businesses to correct first-time paperwork violations before civil fines are assessed by government agencies; (3) requires federal agencies to create a hotline for small businesses that need answers and guidance when filling out federal paperwork; and (4) establishes a task force to study the feasibility of streamlining reporting requirements. CBO estimates that enactment will result in a net loss of governmental receipts of at least \$4.5 million a year. Because the bill affects receipts, pay-as-you-go procedures apply. H.R. 3310 was introduced by Mr. McIntosh et al. and was reported by the Government Reform & Oversight Committee by voice vote on March 19, 1998.

**Views:** The Republican Leadership supports passage of the bill. A Clinton Administration position was unavailable at press time.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 3310:

**Mr. Kucinich and Mr. Tierney** may offer an amendment (#1) to remove the bill's requirement that agencies suspend civil fines on small businesses for first-time paperwork violations. The amendment establishes a process for eliminating civil fines in appropriate circumstances for first-time violations by small businesses. The amendment outlines certain circumstances in which federal agencies (except the Internal Revenue Service) can consider the nature and seriousness of a violation in order to impose a fine even if it is a first-time violation. Furthermore, the amendment requires that every agency report to the committees on Government Reform & Oversight in the House and Governmental Affairs in the Senate six months after the date of enactment, to describe the agency process to enforce civil fines on first-time violations by small businesses. Proponents of the amendment argue that federal agencies should be able to tailor their policies to the unique needs of the laws they are responsible to enforce. *Staff Contacts: John Edgell or Daniel Marschall (Kucinich), x5-5871; and Randi Woods (Tierney), x5-8020*

**Mr. McIntosh** may offer an amendment (#2) to apply the bill's suspension of fines provision to state's enforcement policies. Currently, the bill requires that *federal* agencies suspend civil fines on small businesses for first-time paperwork violations so that those businesses may correct the violations. Proponents of the amendment argue that the amendment ensures that state-run programs, in which the state enforces federal standards, also suspend fines for first-time paperwork violations on small businesses. *Staff Contact: Karen Barnes, x5-4407*

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #7, March 20, 1998.



## **H.R. 2515—Forest Recovery and Protection Act**

**Floor Situation:** The House is scheduled to consider H.R. 2515 after it completes consideration of H.R. 3310. Yesterday, the Rules Committee granted an open rule that provides one hour of general

debate, equally divided between the chairman and ranking minority member of the Agriculture Committee. The rule makes in order a committee amendment in the nature of a substitute (H.R. 3530) as base text and accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 2515 creates a national, five-year pilot program to restore forest health by directing the Agriculture Secretary (acting through the Forest Service) to systematically identify and prioritize forest recovery areas at greatest risk of loss to wildfire, insect infestations, and disease, and then conduct recovery projects in those areas. In addition, the bill (1) establishes a scientific advisory panel to assist the secretary in administering the program; (2) directs the secretary to conduct an initial number of advance recovery projects, (3) establishes a revolving Forest Recovery and Protection Fund within the U.S. Treasury to finance recovery projects; and (4) directs the secretary to establish a program to inventory, monitor, and analyze forest health. The bill applies only to Forest Service lands, not to Bureau of Land Management forests.

The substitute makes a number of changes to the bill. Specifically, the substitute (1) requires public notice and comment on the standards and criteria for identifying recovery areas; (2) establishes a one-time process, including a public notice and comment period, for identifying recovery areas. The Agriculture Secretary may not amend the final list of recovery areas during implementation of the national program; (3) replaces the deadlines for final decisions on recovery projects with a 30-day deadline by which project planning for recovery projects must begin; (4) simplifies the annual reports that the secretary must submit to Congress; (5) states affirmatively that all recovery projects and other actions required by the bill may not be exempted from any federal law; (6) authorizes \$500,000 annually from the Forest Recovery and Protection Fund to monitor recovery projects; (7) prohibits the use of the Forest Recovery and Protection Fund to construct new, permanent roads; (8) requires that all revenue generated by recovery projects be paid to states for schools and local roads; and (9) removes the one-time public petition process (the public process is preserved through the notice and comment period when identifying recovery areas).

Assuming appropriation of the estimated amounts, CBO estimates that enactment of H.R. 2515 will result in additional discretionary outlays of approximately \$14 million in FY 1999 and approximately \$86 million over the FY 1999-2003 period. In addition, CBO estimates that enactment will decrease direct spending by about \$7 million over the FY 1999-2003 period. The Agriculture Committee reported the bill by voice vote.

**Views:** The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

**Amendments:** At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2515:

**Mr. Boehlert** may offer an amendment to prohibit the use of the Forest Recovery and Protection Fund to construct any new roads (permanent or temporary). Currently, the bill only prohibits the use of the fund to construct new, *permanent* roads. **Staff Contact:** *David Goldston, x5-3665*

**Mr. Brown (CA)** may offer an amendment (#1) to prohibit commercial timber sales from being conducted as part of any recovery project. *Staff Contact: Dana DuBose, x5-6161*

**Mrs. Chenoweth** may offer an amendment (#3) to strike the provision in the bill that prohibits the use of the Forest Recovery and Protection Fund to construct new, permanent roads. *Staff Contact: Greg Peek, x5-6611*

**Ms. Furse** may offer an amendment (#7) to redefine the activities that may be considered a “recovery project” in the bill. The amendment defines a recovery project to include the following activities: restoring native vegetative cover, prescribed burns, stabilizing and recontouring slopes, decommissioning and obliterating roads, removing man-made barriers to fish spawning runs, improving riparian areas and other habitat, and performing soil stabilization and other water quality improvements. *Staff Contact: Chris Porter, x5-0855*

**Ms. Furse** may offer an amendment (#8) to authorize \$50 million annually (as opposed to \$500,000 in the bill) from the Forest Recovery and Protection Fund to monitor recovery projects. *Staff Contact: Chris Porter, x5-0855*

**Messrs. Miller (CA), Brown (CA), or Vento** may offer an amendment (#10, #2, or #15) to require that funding disbursements from the Forest Recovery and Protection Fund be subject to annual appropriations, thus striking the provision in the bill that allows the Agriculture Secretary to finance forest recovery projects from the fund without an advanced appropriation. *Staff Contacts: Jeff Petrich (Miller), x5-6065; Dana DuBose (Brown), x5-6161; Terry Klein (Vento), x5-6631*

**Mr. Miller (CA), Mr. Vento, or Ms. Furse** may offer an amendment (#11, #16, or #9) to prohibit the use of the Forest Recovery and Protection Fund to construct any new roads (permanent or temporary). Currently, the bill only prohibits the use of the fund to construct new, *permanent* roads. *Staff Contact: Jeff Petrich (Miller), x5-6065; Terry Klein (Vento), x5-6631; Chris Porter (Furse), x5-0855*

**Mr. Miller (CA)** may offer an amendment (#12) to strike the requirement that all revenue generated by recovery projects be paid to states for schools and local roads and instead require that those revenues be deposited in the U.S. Treasury. *Staff Contact: Jeff Petrich, x5-6065*

**Mr. Radanovich or Mrs. Chenoweth** may offer an amendment (#13, #4, #5, or #6) to strike the provision in the bill that prohibits the use of any funds to construct new, permanent roads and replace it with a provision that eliminates purchaser road credits in connection with forest recovery projects. Specifically, the amendment requires the Agriculture Secretary to carry out road construction in the same manner that the Interior Secretary conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management. The amendment precludes the Forest Service from subsidizing road construction by a private timber company in the event that a forest recovery project includes a commercial timber harvest. *Staff Contact: Tom Pyle (Radanovich), x5-4540; Greg Peek (Chenoweth), x5-6611*

**Mr. Vento** may offer an amendment (#14) to require the Agriculture Secretary to provide a 60-day period (as opposed to 45 days in the bill) to allow public comments on proposed standards and criteria to identify and prioritize recovery areas, as well as proposed recovery areas identified as priorities. *Staff Contact: Terry Klein, x5-6631*

**Additional Information:** See *Legislative Digest*, Vol. XXVI, #7, March 20, 1998.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

## **H.R. 1757—Foreign Affairs Reform and Restructuring Act (Conference Report)**

**Floor Situation:** The House may consider the conference report to H.R. 1757 sometime today. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour, may not be amended, and are subject to one motion to recommit. On Wednesday, March 11, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

**Summary:** The conference report to H.R. 1757 authorizes a total of \$13 billion for the Department of State and related agencies in FYs 1998-2000. The bill (1) consolidates two out of three international affairs agencies back into the State Department, (2) authorizes assistance to the democratic opposition in Iraq, (3) authorizes the appropriation of \$819 million in UN arrearages, and (4) denies funding to foreign organizations that perform or promote abortions.

The conference report is divided into three major portions which: (1) authorize the consolidation of two foreign affairs agencies, the Arms Control and Disarmament Agency and the U.S. Information Agency, into the State Department; (2) authorizes \$6.1 billion in FY 1998 and \$6.7 billion in FY 1999 for the State Department, the Arms Control and Disarmament Agency, the U.S. Information Agency, and new funding to support the democratic opposition in Iraq, including \$3 million for Justice in Iraq, \$15 million for democratic opposition (including \$5 million for Radio Free Iraq), \$10 million for political training, and \$20 million for humanitarian assistance; and (3) mandate UN reforms and authorize \$100 million in FY 1998, \$475 million in FY 1999, and \$244 million in FY 2000 for arrearage payments to the UN. The conference report to H.R. 1757 was submitted by Mr. Gilman on March 10, 1998. The House passed H.R. 1757 by voice vote on June 11, 1997, and the Senate approved its version by a vote of 90-5 on June 17, 1997.

**Views:** The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #6, March 13, 1998, and Vol. XXVI, #15, Pt. II, June 3, 1997.



House  
REPUBLICAN  
Conference

# Amendment Alert!

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Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

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John Boehner  
Chairman  
8th District, Ohio

Member Sponsoring Amendment: \_\_\_\_\_ Bill #: \_\_\_\_\_

Additional Co-sponsors (if any): \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone #: \_\_\_\_\_ Evening Phone #: \_\_\_\_\_

Description of the amendment: \_\_\_\_\_

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(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): \_\_\_\_\_

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*Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.*

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